

ORIGINAL

FILED

January 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0552

STATE OF MONTANA,

Plaintiff and Appellee,

v.

TYSON LEE HAPPEL,

Defendant and Appellant.

FILED

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW Taryn Stampfl Hart, counsel for Appellant, and respectfully requests until February 26, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Counsel for the State has no objection to this extension request.

Respectfully submitted this 12th day of January, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: 

TARYN STAMPFL HART
Assistant Appellate Defender

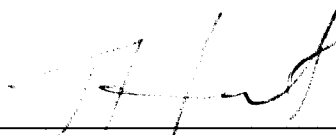
STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Taryn Stampfl Hart, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.
2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.
3. The Appellant's opening brief was first due on December 21, 2009. The brief is currently due January 20, 2010.
4. Counsel has several other appellate briefs that counsel must file before the present matter. Specifically, counsel is writing opening briefs in DA 09-0533 and DA 09-0464.
6. In light of counsel's current commitments, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely matter.
7. Counsel will work diligently to complete the matter in the time requested.
8. Opposing counsel has been contacted concerning this motion and does not object.

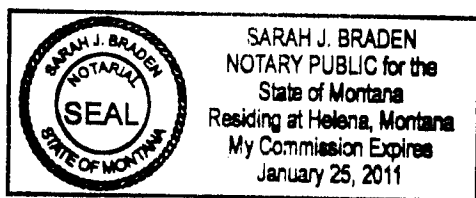
9. Further your affiant sayeth naught.

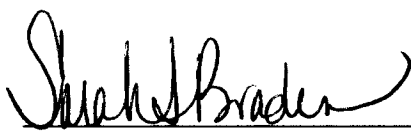


Taryn Stampfl Hart

SUBSCRIBED AND SWORN to before me this 12th day of January,

2010.





Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

DENNIS PAXINOS
Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

TYSON LEE HAPPEL 3002269
Crossroads Correctional Center
50 Crossroads Drive
Shelby, MT 59474

DATED: _____

1/12/10

